

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	11 Civ. 5845 (LTS)(JCF)
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	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff-Intervenor,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK and NEW YORK CITY	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	
-----	X	

STIPULATION AND ORDER TO
TERMINATE ONE PROVISION OF THE CONSENT JUDGMENT AND
TO ELIMINATE ONE PROVISION OF THE CONSENT JUDGMENT

This Stipulation is entered by and among the Plaintiff Class, Plaintiff the United States of America (the “United States”), and Defendants the City of New York (the “City”) and the New York City Department of Correction (the “Department” or “DOC”) (the City and the Department are collectively referred to herein as the “Defendants”).

WHEREAS, pursuant to Section XX, ¶ 1 of the Consent Judgment, Steve J. Martin (the “Monitor”) was appointed as the Monitor and is responsible for providing the parties and Court with assessments of the Department’s compliance with the Consent Judgment, entered on October 21, 2015;

WHEREAS, the Monitor has issued reports finding Defendants to be in Substantial Compliance with Section X, ¶ 4 of the Consent Judgment during several consecutive Reporting Periods;

WHEREAS, Section VII, ¶ 14 of the Consent Judgment is no longer applicable as the DOC no longer engages in the day-to-day management of 16- and 17-year-old incarcerated youth (*see* *dk.* entry 364) and all DOC investigations related to use of force with this age group have been completed;

WHEREAS, the Monitor recommends that entry of the Stipulation and Order will advance the reform efforts under the Consent Judgment; and

NOW, IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel, and this Court THEREFORE ORDERS, as follows:

1. **Terminated Provision.** The following provision of the Consent Judgment is terminated:

- **§ X. (Risk Management):**

- ¶ 4 (Consideration for investigation of allegations in lawsuits)

2. **Elimination.** The following provision of the Consent Judgment shall be eliminated:

- **§ VII. (Use of Force Investigations):**

- ¶ 14 (Litigation Tracking)

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SO ORDERED this _____ day of _____, 2021

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE